

Appl. No. 09/981,089
Amdt. dated June 14, 2005
Reply to Office action of December 14, 2004

REMARKS

Claims 11-45 are presently pending.

Claims 11-20, 22, 27 and 36-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,531,050 ("the '050 patent") in view of U.S. Patent No. 6,070,375 to Anderson ("Anderson"). Applicant respectfully submits that claims 11-20, 22, 27 and 36-40 are not unpatentable over the '050 patent in view of Anderson.

As the Office action recognizes, the '050 patent does not disclose a multi-component wrap where the components are connected to each other at their longitudinal ends and "wall extensions of each components all extend outwardly from their said joint and lie in the same plane, the jamb/sill extensions of each said portion all extend rearwardly from their said joint." (Office action, p. 3.)

However, the proposed combination of the '050 patent and Anderson will not result in the wrap of claim 11, and by dependency claims 12-20, 22 and 27, and the use of a window wrap as recited in claim 36, and by dependency claims 37-40. Indeed, Anderson is directed to an entirely different use than is recited in independent claims 11 and 36. More specifically, Anderson disclosure is directed to frames for use in an opening for a window in a poured concrete wall or a wall with an insulated concrete form. (Col. 1, ll. 12-14.)

There is no disclosure in Anderson that its frames are for use in forming a finished window frame around a rough window frame, as recited in claim 11, or for framing inside surfaces of a window frame and surrounding wall surfaces, as recited in claim 36. There is no disclosure that the frame of Anderson can be used for framing drywall. Instead, Anderson discloses a frame that is merely used to border the opening in a wall.

Furthermore, the disclosure of Anderson teaches away from its proposed combination with the '050 patent. Anderson teaches side members 12, 14, 16 and 18 which, in some versions, have external flanges 12B, 14B, 16B and 18B and internal flanges 12A, 14A, 16A and 18A. There is no disclosure that the flanges are joined at a flexible joint to the body of the side members, as presently recited in claims 11 and

36. Indeed, Anderson discloses that the “preferred material is low cost and resistant to corrosion while having sufficient structural strength to support, for example, the cement when the wall is formed.” (Col. 5, ll. 38-41.) In addition, the simple flanges for abutting the inner and outer sides of the wall of Anderson teach away from the more complex extensions recited in claims 11 and 36, having front and rear surfaces with reinforcing structure extending therebetween.

Moreover, the Office action fails to identify any motivation in either the ‘050 patent or Anderson for their proposed combination.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the ‘050 patent in view of Anderson and in further view of U.S. Patent No. 5,454,141 to Ozbun et al. (“Ozbun”). Applicant respectfully submits that claim 21 is not unpatentable over the ‘050 patent in view of Anderson and in further view of Ozbun. Given the above discussion of claim 11, from which claim 21 depends, it is respectfully submitted that claim 21 is not obvious in view of the cited references.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the ‘050 patent in view of Anderson and in further view of U.S. Patent No. 1,910,554 to Loehner et al. (“Loehner”). Applicant respectfully submits that claim 23 is not unpatentable over the ‘050 patent in view of Anderson and in further view of Loehner. Given the above discussion of claim 11, from which claim 23 depends, it is respectfully submitted that claim 23 is not obvious in view of the cited references.

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the ‘050 patent in view of Anderson. Applicant respectfully submits that claims 24 and 25 are not unpatentable over the ‘050 patent in view of Anderson. Given the above discussion of claim 11, from which claims 24 and 25 depend, it is respectfully submitted that claims 24 and 25 are not obvious in view of the cited references.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the ‘050 patent in view of Anderson. Applicant respectfully submits that claim 26 is not unpatentable over the ‘050 patent in view of Anderson. Given the above discussion of claim 11, from which claim 26 depends, it is respectfully submitted that claim 26 is not

obvious in view of the cited references.

Claim 28 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the '050 patent in view of Anderson. Applicant respectfully submits that claim 28 is not unpatentable over the '050 patent in view of Anderson. Given the above discussion of claim 11, from which claim 28 depends, it is respectfully submitted that claim 28 is not obvious in view of the cited references.

Claims 29 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the '050 patent in view of Anderson. Applicant respectfully submits that claims 29 and 35 are not unpatentable over the '050 patent in view of Anderson.

As discussed above with respect to claims 11 and 36, the proposed combination of the '050 patent and Anderson will not result in the method of claim 29, and by dependency claim 35, including the step of providing a window wrap. The disclosure of Anderson is directed to frames for use in an opening for a window in a poured concrete wall or a wall with an insulated concrete form (col. 1, ll. 12-14), not for finishing a window frame. There certainly is no disclosure in Anderson of inserting drywall into its frame. Instead, Anderson discloses a frame that is merely used to border the opening in a wall.

Also as discussed above, the disclosure of Anderson teaches away from its proposed combination with the '050 patent due to the simple flanges disclosed in Anderson for abutting the inner and outer sides of the wall of Anderson. In contrast, claim 29 recites an extension having front and rear surfaces with reinforcing structure extending therebetween and inserting drywall therebetween. The Office action fails to identify any motivation in either the '050 patent or Anderson for their proposed combination with respect to claims 29 and 35.

Claims 30-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the '050 patent in view of Anderson and in further view of Loehner. Applicant respectfully submits that claims 30-34 are not unpatentable over the '050 patent in view of Anderson and in further view of Loehner.

As discussed above with respect to claims 11 and 36, the proposed combination

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of the '050 patent and Anderson will not result in the method of claim 30, and by dependency claims 31-34, including the step of providing a window wrap. The disclosure of Anderson is directed to frames for use in an opening for a window in a poured concrete wall or a wall with an insulated concrete form (col. 1, ll. 12-14), not for finishing a window frame using drywall.

Also as discussed above, the disclosure of Anderson teaches away from its proposed combination with the '050 patent due to the simple flanges disclosed in Anderson for abutting the inner and outer sides of the wall of Anderson. In contrast, claim 30 recites an extension having front and rear surfaces with reinforcing structure extending therebetween and inserting drywall therebetween. The Office action fails to identify any motivation in either the '050 patent or Anderson for their proposed combination with respect to claims 30-34.

Claims 41-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the '050 patent in view of Anderson. Applicant respectfully submits that claims 41-45 are not unpatentable over the '050 patent in view of Anderson. Given the above discussion of claim 36, from which claims 41-45 depend, it is respectfully submitted that claims 41-45 are not obvious in view of the cited references.

For the reasons set forth above, Applicant respectfully submit that claims 11-45 are allowable. Reconsideration and allowance of the application are respectfully requested.

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The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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